

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Reginald Warren & Nichole Warren

Social Security No.:

xxx-xx-1459 and xxx-xx-9062

Address:

602 Weeping Willow Drive, Durham, NC 27704-

Case No. 07-81414- -

Chapter 13

Debtors

MOTION FOR ORDER DENYING DISCHARGE

NOW COMES the above Debtors, by and through their under-signed counsel, and hereby moves the Court for the entry of an order denying the Debtors' discharge on the grounds that the Debtors are not eligible for a discharge pursuant to 11 U.S.C. § 1328 (f)(2). In support thereof, the Debtors show unto the Court as follows:

1. The Debtors filed this voluntary Chapter 13 petition on September 28, 2007;
2. The Debtors received a discharge in a previous Chapter 13 plan, case number 02-81398, on June 27, 2006.
3. 11 U.S.C. § 1328 (f)(2) provides that a Debtor may not receive a discharge in a Chapter 13 case filed within two years of receiving a prior Chapter 13 discharge.

WHEREFORE the Debtors respectfully request the Court to enter an order:

1. Denying the Debtors a discharge in the present case on the grounds that they are ineligible for such discharge pursuant to 11 U.S.C. § 1328(f)(2);
2. Finding that such denial of discharge is not, by itself, indicia of any lack of good faith in filing of this case or grounds for denial of confirmation; and
3. For any other such relief that the Court deems just and appropriate.

This the 5th day of November, 2007.

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward C. Boltz

Edward C. Boltz

Attorney for the Debtor

North Carolina State Bar No.: 23003

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CERTIFICATE OF SERVICE

I, Edward C. Boltz, of the Law Offices of John T. Orcutt, P.C., certify, under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and that on November 2, 2007, I served copies of the **MOTION TO DENY DISCHARGE**, electronically or, when unavailable, by regular U.S. mail, upon the following parties (names and addresses):

Richard M. Hutson, II
Chapter 13 Trustee
Post Office Box 3613
Durham, NC 27702

Michael West
Bankruptcy Administrator
Post Office Box 1828
Greensboro, NC 27402

Reginald Warren & Nichole Warren
602 Weeping Willow Drive
Durham, NC 27704-

/s Edward C. Boltz
Edward C. Boltz